

THE NORTH CAROLINA MEDICAL BOARD  
DISCIPLINARY GUIDELINES

These disciplinary guidelines have been devised to promote consistency in sanctions imposed by the Board, to lend credibility to the disciplinary process and to aid the Board in their ultimate goal of public protection. They are used for reference and guidance only and are not binding on the Board. The Board recognizes that each case has individual facts and circumstances that distinguish it from other cases of the same nature and the Board agrees to consider all mitigating and aggravating factors specific to a case before determining the appropriate sanction. These guidelines will be used to neutralize unwarranted inconsistencies and improve the efficiency of the Board.

## VIOLATIONS

1. Improper Prescribing, Dispensing, or Administering of Controlled Substances
2. A Violation of a Law Involving the Practice of Medicine
3. Criminal Acts or Convictions
4. Practicing Below the Minimum Standard of Care
5. Boundary Violations
6. Inadequate Record Keeping
7. Ethics Violations
8. Out of State Adverse Actions
9. Inability to Practice Due to an Addiction
10. Violation of Consent Order
11. Fraud, Misrepresentation, or Deception
12. Failure to file the Appropriate Paperwork with the Board.
13. Failure to comply with a Board Order.

IMPROPER PRESCRIBING, DISPENSING OR ADMINISTERING CONTROLLED SUBSTANCES.

Presumptive Maximum Discipline: Revocation of license

Presumptive Minimum Discipline: Private Letter of Concern

A VIOLATION OF A LAW INVOLVING THE PRACTICE OF MEDICINE

FELONY

Presumptive Maximum Discipline: Revocation of license

Presumptive Minimum Discipline: Indefinite Suspension of license

MISDEMEANOR

Presumptive Maximum Discipline: Revocation of license

Presumptive Minimum Discipline: Public Reprimand

CRIMINAL ACTS AND CONVICTIONS

FELONY

Presumptive Maximum Discipline: Revocation of license

Presumptive Minimum Discipline: Indefinite suspension of license

MORAL TURPITUDE

Maximum Penalty: Revocation of medical license

Minimum Penalty: Reprimand

MISDEMEANOR

Presumptive Maximum Discipline: Revocation of license

Presumptive Minimum Discipline: Private Letter of Concern

PRACTICING BELOW THE MINIMUM STANDARD OF CARE

Presumptive Maximum Discipline: Revocation of license

Presumptive Minimum Discipline: Stayed suspension of license

BOUNDARY VIOLATIONS

Presumptive Maximum Discipline: Revocation of license

Presumptive Minimum Discipline: Stayed Suspension of license

INADEQUATE RECORDKEEPING

Presumptive Maximum Discipline: Indefinite Suspension of license

Presumptive Minimum Discipline: Private Letter of Concern

ETHICS VIOLATIONS

Presumptive Maximum Discipline: Indefinite Suspension of license

Presumptive Minimum Discipline: Private Letter of Concern

OUT OF STATE ADVERSE ACTIONS

Presumptive Maximum Discipline: Revocation of license

Presumptive Minimum Discipline: Private Letter of Concern

INABILITY TO PRACTICE DUE TO AN ADDICTION

Presumptive Maximum Discipline: Revocation of license

Presumptive Minimum Discipline: Suspension of license

VIOLATION OF A CONSENT ORDER

Presumptive Maximum Discipline: Revocation of license

Presumptive Minimum Discipline: Stayed Suspension of license

FRAUD, MISREPRESENTATION OR DECEPTION

Presumptive Maximum Discipline: Revocation of license

Presumptive Minimum Discipline: Public Reprimand

FAILURE TO FILE THE APPROPRIATE PAPERWORK WITH THE BOARD

Presumptive Maximum Discipline: Public Reprimand

Presumptive Minimum Discipline: Private Letter of Concern

FAILURE TO COMPLY WITH A BOARD ORDER

Presumptive Maximum Discipline: Revocation of license

Presumptive Minimum Discipline: Public Reprimand

After a violation of the North Carolina Medical Practice Act has been established, the Board may consider aggravating and mitigating circumstances in deciding the appropriate discipline. The aggravating and mitigating factors set forth below are some of the factors the Board may consider. The Board may take into consideration other factors in aggravation or mitigation offered by the parties.

#### AGGRAVATING FACTORS

1. Prior disciplinary actions
2. Patient harm
3. Dishonest or selfish motive
4. Submission of false evidence, false statements, or other deceptive practices during the disciplinary process
5. Vulnerability of victim
6. Refusal to admit wrongful nature of conduct
7. Willful or reckless misconduct
8. Pattern of misconduct (repeated instances of the same misconduct)
9. Multiple offenses (more than one instance of different misconduct)

#### MITIGATING FACTORS

1. Absence of a prior disciplinary record
2. No direct patient harm
3. Absence of a dishonest or selfish motive
4. Full cooperation with the Board
5. Physical or mental disability or impairment
6. Rehabilitation or remedial measures
7. Remorse
8. Remoteness of prior discipline